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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,505	02/26/2002	Gary Standard	ITENTR.001A	4144

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EXAMINER
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SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/090,505

**Applicant(s)**

STANDARD ET AL.4

**Examiner**

Naoko Slack

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In response to applicant's amendment received March 29, 2004, amendments to claims 1, 16, 18-20 have been entered, and drawing corrections have been approved. An examination of claims 1-23 is presented below. Claims 24-30 have been previously cancelled.

#### ***Claim Rejections - 35 USC § 103***

Claims 13, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 5,890,323 to Errato.

Claim 13:

Corbin et al. discloses a film and live-action theater comprising a projection screen (14, Figure 1), projectors (16, Figure 1), and a plurality of seats (15, Figure 1) positioned between the projection screen and the projector. A support structure (22, Figure 1) is positioned aside the screen and supports a plurality of special effects controlled by a master controller (42, Figure 1).

While Corbin et al. fails to disclose that the plurality of seats are adaptably positioned to simulate a plurality of venues, Errato discloses repositionable seating to accommodate different venues (column 1, lines 24-33). In view of Errato, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use repositionable seating in the theater of Corbin et al. for accommodating various venues, as Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15).

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Applicant argues that Corbin fails to disclose "accommodating various venues."

Corbin 's invention pertains to a theatre that combines live-action theater with film presentation (column 1, lines 4-5) and specials effect to enhance audience perception that they are participating in the on-screen action. While Corbin focuses primarily on a motorcycle show, Corbin states that any type of vehicle or other prop could be used in the film sequence (column 4, lines 31-32). Therefore, Corbin's theater is not limited to the motorcycle venue, but could apply to other venues using other props. Corbin also states that it is known in the art to use an actor and/or prop that seems to materialize from a projected film (column 1, lines 16-18).

Claims 21-23:

While Corbin et al. discloses a sports related event, Corbin et al. states that the motorcycle experience is just one example of what could be used to depict a live-action theater combined with film presentation (column 1, lines 65-67). While Corbin focuses primarily on a motorcycle show, Corbin states that any type of vehicle or other prop could be used in the film sequence (column 4, lines 31-32). Therefore, Corbin's theater is not limited to the motorcycle venue, but could apply to other venues using other props. Corbin also states that it is known in the art to use an actor and/or prop that seems to materialize from a projected film (column 1, lines 16-18). Therefore, the projected film could feature a dance club or concert hall whereby a musician could seemingly materialize from the film, a technique known in the art and disclosed by Corbin (column 1, lines 16-18).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 5,890,323 to Errato as applied to claim 13 above and further in view of Pirates Dinner Adventure article.

Claim 14:

While Corbin et al. fails to specify props adjacent to the seats, such an arrangement is well known in dinner theaters. For example, The Pirates Dinner Adventure in Orlando, Florida discloses a theater where patrons are surrounded by props such as swords, steins, pirates, galleys, sculpture, and scenery to enhance the perception that they are part of the action.

Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to decorate the theater with thematic props to enhance a realistic experience.

Claims 15-17:

The type of scenic elements used to decorate the theater comprises a matter of design choice, dictated by the particular entertainment venue. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use sculptures, statues, and mannequins to enhance the desired environment. For example, the Pirate Dinner Adventure (photo, page 3) shows a pirate in the background which is used to enhance the patrons' perception of participation on a pirate ship.

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Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 5,890,323 to Errato as applied to claim 13 above and further in view of US Patent 5,026,152 to Sharkey.

Claims 18 and 20:

Corbin et al. discloses that special lighting effects are well known in theater production (column 1, lines 23-30, and column 4, lines 20-22), pointing out that timing and synchronization are required for smooth transitions and therefore an enhanced theater experience.

While applicant has amended claims 18 and 20 to specify that the synchronization of the lighting effects is achieved "using code stored in a media stream", computer controlled lighting technology is well known in the theatre art. For example, Sharkey discloses computer controlled lighting technology (column 3, lines 50-52, and column 7, lines 42-50) for producing an enhanced theater.

Claim 19:

Corbin et al. discloses the use of fog machines (column 4, lines 19-20 and lines 47-50). While applicant has amended claim 19 to specify that the synchronization of the fog machines is achieved "using code stored in a media stream", computer control of special effects is well known in the art. Again, Sharkey discloses computer controlled fogging machines for producing an enhanced theater (column 3, lines 48-50).

***Allowable Subject Matter***

Claims 1-12 are allowed.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

NS

June 10, 2004



Naoko Slack  
Patent Examiner